

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2006/060967

International filing date (day/month/year)
16.11.2006

Priority date (day/month/year)
18.11.2005

International Patent Classification (IPC) or both national classification and IPC
INV. H04N7/16 H04N5/00

Applicant
SCIENTIFIC-ATLANTA, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of
this opinion

See form
PCT/ISA/210

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2006/060967

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2006/060967

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-23</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-23</u>
Industrial applicability (IA)	Yes: Claims	<u>1-23</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 Reference is made to the following documents:

D1: US 2004/117483 A1 (SINGER MITCH FREDRICK [US] ET AL) 17 June 2004
(2004-06-17)
D2: MATSUSHITA ELECTRIC INDUSTRIAL CO ET AL: "RESPONSE TO DVB
CALL FOR PROPOSALS FOR CONTENT PROTECTION & COPY
MANAGEMENT TECHNOLOGIES" NETDRM TECHNOLOGY, XX, XX, 19
October 2001 (2001-10-19), pages 1-44, XP002349078

2 INDEPENDENT CLAIMS 1, 12

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.2 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses:

"A method for obtaining permission to transmit a prerecorded presentation from a DVD over a networked multi-room system (NMS)," (see D1 par. 0038 "optical disc", par. 0027 "can provide content to client devices that are members in the hub network", par. 0146 "A license can be changed or updated through interaction with the licensing authority") "said method comprising the steps of: contacting a licensing authority from the NMS to secure permission for use of said prerecorded presentation;" (see D1 par. 0146) "and in response to securing permission, transmitting at least a portion of said prerecorded presentation stored on a storage device of a primary set-top box to one or more set-top boxes." (see D1 par. 0201)

- 2.3 The subject-matter of claim 1 therefore differs from this known method in that D1 does not explicitly disclose the "licensing authority" as being a "headend", however this feature does not add inventive character to the subject-matter defined by claim 1 since it is known to delegate licensing capabilities to the headend server in a

conditional access tv distribution system.

2.4 Similar arguments apply in respect of the teachings in D2 (see in particular D2 figures 3.1-1 and 3.2-2) in which all the features of claim 1 are disclosed (see also further citations in the International Search Report) with the minor difference of the "License Server" not being explicitly mentioned as a "headend".

2.5 Since the subject-matter of independent claim 12 corresponds to the subject matter of claim 1 (the only minor difference is that the content is sent to a portable device instead of a set-top box, both possibilities known for home-network systems), the same reasoning as given for claim 1 will apply mutatis mutandis.

3 DEPENDENT CLAIMS 2-11, 13-23

Dependent claims 2-11, 13-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT, see further citations in the International Search Report).